



3 1223 07425 1357

LETTER OF AGREEMENT

BETWEEN

THE CITY AND COUNTY OF SAN FRANCISCO

AND

UNIONS

(WITH APPENDICES)

* * *

COMPLIANCE AGREEMENT

WITH

THE STATE PERSONNEL BOARD

5/S



San Francisco Public Library

Document Information Center
San Francisco Public Library
Market Street, 5th Floor
San Francisco, CA 94102

REFERENCE BOOK

Taken from the Library

DOCUMENTS DEPT.

MAY 2 1983

SAN FRANCISCO
PUBLIC LIBRARY

by the City and County of San Francisco
Service Commission for the use of its staff
and other City and County officials.
Additional copies available from Al Walker,
Assistant Secretary, Civil Service Commission,
Room 153 City Hall.

April, 1983

D

EF
52.63
52L



LETTER OF AGREEMENT

BETWEEN

THE CITY AND COUNTY OF SAN FRANCISCO

AND

UNIONS

(WITH APPENDICES)

* * *

COMPLIANCE AGREEMENT

WITH

THE STATE PERSONNEL BOARD

DOCUMENTS DEPT.

MAY 2 1983

SAN FRANCISCO
PUBLIC LIBRARY

Issued by the City and County of San Francisco
Civil Service Commission for the use of its staff
and other City and County officials.
Additional copies available from Al Walker,
Assistant Secretary, Civil Service Commission,
Room 153 City Hall.

April, 1983

LETTER OF AGREEMENT BETWEEN
THE CITY AND COUNTY OF SAN FRANCISCO
AND UNIONS

It is the intent of the parties, consistent with applicable law, to transition qualified longterm temporary employees to permanent status, to correct the employment practices responsible for the longterm temporary problem in San Francisco city government, and to improve the merit system in City and County employment.

In compliance with the Merit System Services of the State Personnel Board, the City and County of San Francisco, hereinafter "City", and the Unions signatory to this Agreement, hereinafter "Unions", hereby agree as follows:

1. Employees in classifications enumerated in Appendices "A" and "B" of this Agreement who have been consistently employed for at least the six months immediately prior to January 1, 1983, and who would be displaced because of the appointment of an eligible from a list shall be appointed to a new or vacant position and, except for reasons beyond the City's control, said employee shall not have a break in service. If the employee is being displaced from his/her classification as a result of an examination given for said classification, the employee must have participated in said examination in order to qualify for an appointment.

This placement shall be for the purpose of retaining the services to the City of qualified longterm temporary employees pending their timely transitioning to permanent status through competitive examinations as provided herein. In accordance with Sections 2 and 3 hereafter, the City agrees to retain such persons in its employment until December 31, 1984.

2. All departments shall immediately notify the Equal Employment Opportunity Unit of the Civil Service Commission of the identities of employees who will be displaced from one of the classifications enumerated in Appendices "A" and "B" because of appointments of eligibles from lists which have been previously certified or will be certified after the date of this Agreement.

The Equal Employment Opportunity Unit of the Civil Service Commission shall be responsible for coordinating and completing the placement of displaced employees. The employee's current department shall be surveyed to determine if there is a need for his/her services in another position with comparable duties and compensation and if funds are available for that position. If so, he/she shall be appointed to such a position in his/her own department. Otherwise, other departments shall be promptly surveyed for vacant positions with comparable duties and compensation for which funds are available.

Whenever possible, the employee shall have his/her choice of reassignment, including department, position,



Digitized by the Internet Archive
in 2015

and work location. Seniority shall govern in cases of multiple selection, except that employees who wish to be appointed to positions in the department from which they are displaced shall have preference over all other displaced employees for such positions.

3. With regard to employees displaced because of an appointment from an eligible list for whom no position can be found with comparable duties and compensation for which funds are available, the Mayor and the Board of Supervisors shall enact a supplemental appropriation ordinance in the amount of \$200,000 and such other supplementals as may be required, not to exceed \$1,800,000, to provide employment subject to conditions to be set forth in said ordinance, provided, however, that if this sum is expended, the parties shall meet and confer regarding additional funding. The Controller shall certify funds and a requisition shall be processed to place the employee in a new position in his/her present department, if possible, and otherwise in another department. In making this placement every good faith effort, consistent with applicable laws, will be made to approximate the employee's prior compensation and duties. Approximating such compensation and duties shall be given preference over placement in the same department, if the employee so desires. Conflicts in selection shall be resolved in the same manner as provided in paragraph 2. However, if the employee refuses, without good cause, to

accept the offered position, the City will be under no further obligation to locate employment.

4. For the Fiscal Year 1983-84 and for such time thereafter as this Agreement is in effect, the Mayor and the Board of Supervisors shall require that all positions where the work is not of a temporary nature be budgeted permanent.

As of the date of this Agreement, the Mayor and the Civil Service Commission shall review all requests for temporary requisitions to determine whether the work to be performed is of a temporary nature. The Union shall have access to all requisitions for temporary positions. The definition of temporary appointment and position as used herein shall be as approved by the State Personnel Board as part of the Compliance Agreement dated _____, 1983.

5. As a result of an allegation by the State Personnel Board of non-compliance by the City with merit employment policies, and except for positions of legislative aides to the Board of Supervisors, positions designated by the Mayor in the Office of the Mayor, and positions that are funded by a current grant until the grant ends, but no later than September 30, 1983, so long as this Agreement is in effect, the City may not make limited tenure appointments pursuant to Ordinance No. _____ to any classification represented by the

signatory Unions after July 1, 1984 or once the examination of classifications with longterm temporary employees takes place, whichever occurs first.

In conformity with Charter Sections 3.661 and 8.329, the Civil Service Commission shall continue to review the requisitioning of positions as permanent/temporary. This control shall include a requirement that departments provide justification of requests for temporary appointments. This justification shall be accessible to the Unions.

Civil Service shall provide a quarterly report of all temporary requisitions and appointments by department and classification to the signatory Unions.

6. As a condition to the effectuation of this Agreement, commencing with Fiscal Year 1983-84, and for such time thereafter as this Agreement remains in effect, the Mayor and the Board of Supervisors shall provide, and continue to provide, the Civil Service Commission with sufficient funds, to implement this Agreement above and in addition to the current Commission budget and the City shall maintain an examination schedule sufficient to provide, except for reasons beyond the City's control, eligible lists within 90 days of submission of a requisition for appointment to a permanent position. Should the Commission require any additional funding in order to meet the time tables set forth herein, a supplemental appropriation shall be submitted to the Mayor

no later than March 22, 1983. The Mayor and the Board of Supervisors agree to provide sufficient funds to meet these time tables.

7. The Civil Service Commission shall conduct examinations for all classifications set forth in the appendices attached hereto as follows:

(a) Classifications set forth in Appendix "A" , except where otherwise noted, shall be given unassembled examinations on or before July 1, 1983. Except for reasons beyond the City's control, lists of eligibles shall be posted on or before July 30, 1983.

(b) Classifications set forth in Appendix "B", except where otherwise noted, shall be given examinations on or before August 1, 1983. Except for reasons beyond the City's control, lists of eligibles shall be posted on or before August 30, 1983

8. The Civil Service Commission agrees to provide training to assist employees in preparing for examinations to those employees in classifications set forth in Appendices "A" and "B" who either failed the examinations described in Section 7 hereof or did not place high enough on the list of eligibles resulting from said examinations to receive a permanent appointment on or before December 31, 1984. This training option shall only be made available to employees desiring to take examinations

scheduled to be given on or before December 31, 1984.

9. The Civil Service Commission shall implement the provisions of Charter Section 8.329.

10. This Agreement shall incorporate the Compliance Agreement between the State of California Merit System Services and the City.

11. This Agreement shall be incorporated in the Memoranda of Understanding between the Board of Supervisors and the signatory Unions and shall have the same term as the Memoranda of Understanding.

12. Nothing in this Letter of Agreement shall be deemed to constitute nor may be construed as a determination or admission of any violation of law, rule or regulation by the City and County of San Francisco with regard to temporary employments.

FOR THE UNIONS:

FOR THE CITY:

Dated: March 21, 1983

Dated:

Laborers, Local 261

Dianne Feinstein, Mayor

TWU, Local 250-A
(Automotive Service Workers)

Wendy Nelder, President,
Board of Supervisors

Carlota Texidor del Portillo,
President, Civil Service Commission

IFPTE, Local 21

James L. Lazarus
Employee Relations Director

IFPTE, Local 21

APPROVED AS TO FORM:
GEORGE AGNOST, CITY ATTORNEY

By _____

Freight Checkers, Local 856

TWU, Local 200

TWU, Local 292

SEIU, Joint Council
Locals 390/400, 250 & 535

APPENDICES A & B

Employees in classifications represented by the signatory Unions, whether or not their classification is listed below, who are displaced as a result of an eligible list for one of the classifications listed in Appendix A or B shall be covered by Sections 1, 2 and 3 of this Agreement, provided they have been consistently employed for at least the six months prior to January 1, 1983.

The following appendices may be modified by the mutual agreement of the General Manager, Civil Service Commission, Employee Relations Division and the recognized employee organization.

APPENDIX A

(Unassembled Examinations)

<u>Class #</u>	<u>Title</u>
1212	Timeroll Audit Clerk
1602	Calculating Machine Operator-Key Drive
1626	Junior Account Clerk
1650	Accountant
1706	Telephone Operator
1720	Data Entry Operator
1750	Microphoto Technician
1760	Offset Machine Operator
1772	Photo-Lithographer
1802	Research Assistant
1810	Actuarial Clerk
1853	Control Clerk, EDP
1920	Inventory Clerk
1932	Assistant Storekeeper
2310	Operating Room Technician
2424	X-Ray Laboratory Aide
2425	Radiologic Technologist I
2430	Medical Examinations Assistant
2440	Veterinary Laboratory Technologist
2486	Public Health Chemist
2514	Orthopedic Technician I
2515	Orthopedic Technician II
2520	Morgue Attendant
2522	Senior Morgue Attendant
2546	Handicraft Instructor
2554	Physical Therapy Aide
2566	Rehabilitation Counselor
2585	Health Worker I
2586	Health Worker II
2587	Health Worker III
2672	Children's Center Assistant Houseparent
2674	Children's Center Houseparent
2772	Sewing Technician
2822	Health Educator
2823	Mental Health Educator
2903	Eligibility Worker
2905	Senior Eligibility Worker
2920	Medical Social Worker
2930	Psychiatric Social Worker
2994	Homemaker
3208	Pool Lifeguard
3280	Assistant Recreation Director
3302	Vendor
3535	Radio Announcer - Operator
3540	Curatorial Aide
3602	Library Page
3610	Library Assistant
3616	Library Technical Assistant I
3630	Librarian I
3650	Medical Records Librarian

APPENDIX A

(Unassembled Examinations cont'd)

<u>Class #</u>	<u>Title</u>
4202	Assessment Clerk
4306	Collections Clerk
4320	Cashier I
5250	Junior Mechanical Engineer
5272	Assistant Landscape Architect
5277	Planner I
5287	Transit Planner I
5288	Transit Planner II
5302	Traffic Survey Technician
5304	Materials Testing Aide
5320	Illustrator and Art Designer
5322	Graphic Artist
5328	City Planning Graphics Aide
5342	Mechanical Engineering Assistant I
6102	Rodent Control Technician
6106	Sanitary Engineering Technician
6230	Street Inspector
6270	Housing Inspector
7302	Audio-Visual Equipment Technician
7312	Chauffeur
7367	Radio Technician
7385	Senior Typewriter Repairer
7416	Book Repairer
7418	Senior Book Repairer
7450	Shade and Drapery Worker
7454	Traffic Signal Operator
7470	Watershed Keeper
7524	Institution Utility Worker
7550	School Furniture Service Worker
8102	Process Server
8134	Confidential Crime Reporter
8202	Security Guard
8204	Institutional Police Officer
8207	Building and Grounds Patrol Officer
8208	Park Patrol Officer
8226	Museum Guard
8234	Fire Alarm Dispatcher
8440	Probation Officer (Adult Only)
9110	Fare Collections Receiver
9122	Transit Information Clerk
9126	Transit Traffic Checker
9176	School Transportation Scheduler
9355	Wharfinger I
9401	Program Monitor I, City Demonstration Agency
9971	Community Worker

APPENDIX B
(Assembled Examinations)

<u>CLASS #</u>	<u>Title</u>
1217	Senior Certification Clerk
1218	Payroll Supervisor
1224	Principal Payroll and Personnel Clerk
1228	Senior Testing Technician
1406	Senior Clerk
1408	Principal Clerk
1432	Senior Transcriber Typist
1460	Senior Legal Stenographer
1634	Principal Account Clerk
1640	Senior Accounting Machine Operator
1708	Senior Telephone Operator
1710	Chief Telephone Operator
1727	Supervising Data Entry Operator
1752	Senior Microphoto Technician
1762	Senior Offset Machine Operator
1856	Assistant Control Supervisor, EDP
1924	Materials and Supplies Supervisor
1926	Senior Materials and Supplies Supervisor
1933	Schools Warehouse Assistant Supervisor
1938	Stores and Equipment Assistant Supervisor
1939	Schools Warehouse Supervisor
2202	Dental Aide
2328	Nurse Practitioner
2420	Histology Technician
2432	Electrocardiograph Technician
2517	Jail Medical Technician
2580	Coroner's Investigator
2588	Health Worker IV
2606	Senior Food Service Worker
2624	Dietitian
2632	Cook Manager Elementary School
2650	Assistant Cook
2716	Custodial Assistant Supervisor
2738	Porter Assistant Supervisor
2770	Senior Laundry Worker
2774	Senior Sewing Technician
2932	Senior Psychiatric Social Worker
3214	Senior Swimming Instructor
3232	Marina Assistant Manager
3287	Assistant Recreation Supervisor
3289	Recreation Supervisor
3618	Library Technical Assistant II
3632	Librarian II
3634	Librarian III
4220	Personal Property Auditor
4308	Senior Collections Clerk
4321	Cashier II
4322	Cashier III
4334	Investigator, Tax Collector
4366	Collection Supervisor
5280	Planner III
5282	Planner IV
5283	Planner V - Urban Design
5290	Transit Planner IV
5292	Planner III (Zoning)

<u>CLASS #</u>	<u>Title</u>
5294	Planner IV (Zoning)
5412	Planning Coordinator
6104	Senior Rodent Control Technician
6333	Senior Building Inspector
7102	Maint. and Repair Asst. Supert., Hetch Hetchy Project
7108	Heavy Equipment Operations Asst. Supv.
7125	Elec. Operation and Maint. Superintendent, H.H. Project
7126	Mechanical Shop and Equipment Superintendent
7208	Heavy Equipment Operations Supervisor
7219	Maintenance Estimator and Scheduler
7277	City Shops Assistant Superintendent
7282	Street Repair Supervisor II
7368	Senior Radio Technician
7410*	Automotive Service Worker
7441	Tool Room Mechanic and Custodian
8168	Medical Claims Assistant Supervisor
8170	Medical Claims Supervisor
8228	Senior Museum Guard
8251	Fingerprint Technician III
9116	Senior Fare Collections Receiver
9124	Senior Transit Information Clerk
9125	Chief Transit Information Clerk
9128	Senior Transit Traffic Checker
9212	Airfield Safety Officer
9250	Airport Maintenance Supervisor
9403	Program Monitor II, City Demonstration Agency

* Subject to the prior approval of the Office of Revenue Sharing.

The following examination classes are currently in progress and will continue on their current schedule. Displaced temporary employees are covered by this agreement:

1721	Senior Data Entry Operator
2471	Water Quality Chemist
1422	Junior Clerk Typist
1424	Clerk Typist
1426	Senior Clerk Typist
1428	Ward Clerk
1430	Transcriber Typist
1440	Medical Transcriber Typist
1442	Junior Clerk Stenographer
1444	Clerk Stenographer
1446	Senior Clerk Stenographer
1450	Principal Clerk Stenographer
2302	Orderly
2305	Psychiatric Technician
2320	Registered Nurse
2390	Central Processing & Distribution Technician
2409	Pharmacy Technician
2532	Paramedic
2534	Paramedic Supervisor
2542	Speech Pathologist
2548	Occupational Therapist
2556	Physical Therapist
2574	Clinical Psychologist

APPENDIX B (Cont'd)

<u>CLASS #</u>	<u>TITLE</u>
2812	Chief Deputy Registrar of Vital Statistics
2830	Public Health Nurse
5202	Junior Civil Engineer
7324	Beautician
8106	Legal Process Clerk
8108	Senior Legal Process Clerk
9131*	Station Agent, Municipal Railway
8142	Public Defenders Investigator
* Subject to ORS	

The following examination classes have recently adopted eligible lists, but displaced employees are covered by this agreement.

1202	Personnel Clerk
1222	Senior Payroll and Personnel Clerk
1402	Junior Clerk
1404	Clerk
1468	Water Services Clerk
1474	Claims Process Clerk
1476	Senior Claims Process Clerk
1630	Account Clerk
2708	Custodian
1220	Payroll Clerk
2908	Hospital Eligibility Worker
3410	Assistant Gardener
5278	Planner II
7514	General Laborer
7530	Street Cleaner
8214	Parking Control Officer
8316	Assistant Counselor
8320	Counselor, Juvenile Hall
8321	Counselor, Boys Ranch School
2806	Disease Control Investigator

MSS only - employees not otherwise covered by this agreement:

2593	Health Program Coordinator III
2910	Social Worker

COMPLIANCE AGREEMENT

STATEMENT OF INTENT

The State Personnel Board and the City and County of San Francisco hereby enter into a Compliance Agreement for the purpose of ensuring conformity with Section 17112(e) of the Local Agency Personnel Standards. This agreement is not an admission by the City and County of wrongdoing or violation of its own rules and regulations. This agreement is an enforceable declaration of the modifications the City will make in its temporary employment policies.

COMPLIANCE AGREEMENT

I. DEFINITIONS

- A. Temporary Appointment - Appointment made to a position when there is time limited need for personnel services. Non-civil service, limited tenure, and certified temporary are all covered by this definition and their use is restricted to the following conditions:
1. Emergency (non-civil service) - An appointment made without regard to eligible lists to a temporary or permanent position which, if not made, would cause stoppage of essential public services. It is time limited to a maximum of 30 days.
 2. Special Project (certified temporary) - With the specific approval of the Civil Service Commission, and upon a finding that it is reasonably foreseeable that subsequent years funding will not be available, an appointment made from an eligible list to a temporary position established to perform a special project or investigation. It is time limited to a maximum of one year.

3. Provisional (non-civil service) - An appointment to a temporary or permanent position made when there is no employment list available containing persons interested in the conditions of employment offered. It is time limited to a maximum of 130 days or thirty days from list certification (whichever is less).
 4. Periodic Need (certified temporary) - An appointment from an eligible list to a temporary or permanent position on a seasonal or intermittent time basis or to fill in behind someone on leave. It is time limited to a maximum of 130 days.
- B. Temporary Position - A position in which the duties and responsibilities will be needed for a total of less than one year.
 - C. Permanent Appointment - An appointment made from an employment list from within the certification rules.
 - D. Permanent Position - A collection of duties performed by one individual, which duties represent the ongoing work of the City and County. The source and nature of the funds supporting the position do not influence its designation as "permanent."

II. EXCLUSIONS FROM DEFINITIONS

Elected officials, Boards and Commissions, and their direct appointees are exempted from these definitions. Senior Management Service employees may be exempted at the City and County's discretion.

III. ACTIONS BY SAN FRANCISCO

A. Administrative Actions:

1. The Civil Service Commission of the City and County shall, by May 16, 1983, identify all covered positions budgeted as temporary and make a determination of which positions have been designated temporary for over one year.

2. The City and County shall, by July 1, 1983, modify its budget to budget as permanent any positions which have been designated temporary for over one year. The budget instructions for fiscal year 1983-84 shall include this provision.
3. For use in future determinations the Civil Service Commission shall, by May 16, 1983, develop criteria acceptable to the State Personnel Board for determining whether a position is a specific type of temporary position.

B. Personnel System Changes:

1. The Civil Service Commission shall, by June 1, 1983, adopt a rule, subject to definitions contained herein, limiting to a maximum of one year the time that an individual may serve under temporary appointment to a position.
2. The Civil Service Commission shall, by June 1, 1983, adopt a rule requiring list usage within 30 days from list certification.
3. The Civil Service Commission shall, by August 30, 1983, conduct exams to allow each covered temporary employee (Appendices "A" and "B", Letter of Agreement between the City and various unions) who exceeds the time limits established herein to participate in an exam for his/her class which would permit transition to permanent status. Following the exams, successful incumbents shall be transitioned to permanent status as permanent positions become available in the manner provided by the Charter.
4. The Civil Service Commission shall, by June 1, 1983, adopt a rule requiring that an examination be immediately conducted whenever a temporary appointment is made to a permanent position.

5. The Civil Service Commission shall, by June 1, 1983, develop criteria for determining emergency situations involving maintenance of essential services.
6. Effective July 1, 1984, the City shall cease employment practices pursuant to Ordinance No. _____, except as to those limited tenure employees yet to be transitioned to permanent positions pursuant to this agreement and as to legislative aides to the Board of Supervisor, positions designated by the Mayor in the Office of the Mayor and positions that are funded by a current grant until the grant ends, but no later than September 30, 1983.

IV. ACTIONS BY THE STATE PERSONNEL BOARD

- A. As requested, and as resources of Merit System Services permit, the Board shall provide use of examinations and/or personnel support to assist the City in conducting examinations for covered positions.
- B. As requested, and as resources of Merit System Services permit, the Board shall provide training, computer support, or other technical assistance.

V. REPORTS

- A. The City and County shall forward, to the State Personnel Board, monthly reports of progress on the actions in Section III of this agreement.
- B. The City and County shall make its records and facilities available for inspection, by the Board, on reasonable notice.

VI. NONCOMPLIANCE WITH AGREEMENT

The signatories recognize that non-adherence to this agreement may result in any of the following:

- A. Withdrawal of MSS services, technical, and training support;
- B. Withdrawal of MSS computer and administrative support;
- C. Withdrawal of all MSS testing support;
- D. Decertification of San Francisco as an Approved Local Merit System;
- E. Hearing before the State Personnel Board to determine compliance with federal and state merit system standards; and
- F. Recommendation of fiscal sanctions to the State Department of Social Services and Health Services.

VII. TERM

This agreement shall become effective when executed by all parties and shall terminate on June 30, 1985.

DATED:

DIANNE FEINSTEIN, Mayor
City and County of San Francisco

DATED:

WENDY NELDER, President
San Francisco City and County
Board of Supervisors

DATED:

CAROLTA TEXIDOR DEL PORTILLO,
President, San Francisco City and
County Civil Service Commission

DATED:

California State Personnel Board

DATED:

JAMES L. LAZARUS
Employee Relations Director

DATED:

APPROVED AS TO FORM:
GEORGE AGNOST, CITY ATTORNEY

By _____
Judith L. Teichman
Deputy City Attorney

